IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE GOPALAKRISHNA TAMADA

Writ Petition No.10584 of 1999

Dated: 14-08-2007

Between:

U. Sachin Kumar, s/o U. Santosh Kumar.

... Petitioner

and

Municipal Corporation of Hyderabad,
rep. by its Commissioner & Special Officer
Tank Bund,
Hyderabad.

... Respondent

ORDER:

Petitioner states that he is the absolute owner of the premises bearing No.3-6-230/1&2 located at Himayathnagar, Hyderabad and he made an application to respondent Corporation on 04-02-1999 seeking permission to construct a residential building and accordingly permission was accorded on 05-03-1999 vide permit No.92/99 in File No.230/6/3/
99/1&2. In the light of the said permission petitioner started

construction as per the sanctioned plan, but, however, the authorities of respondent Corporation visited the said site and tried to demolish the constructions saying that the same is contrary to the Building Regulations. At that juncture, petitioner approached this Court and filed the present with petition.

2. This Court while issuing *Rule nisi* passed an interim order directing respondent not to demolish the constructions already existing in the said site.

3. The main contention of learned counsel for petitioner is that the said action of respondent is without notice and petitioner is put in dark as to why the authorities are trying to demolish the said structures.

4. Though notices are served on respondent, it has not chosen to file any counter affidavit. Having perused the affidavit filed in support of the writ petition and upon hearing the arguments of Sri P. Laxma Reddy, learned counsel for petitioner, this Court is of the view that there is no other go except to accept the contention raised by learned counsel for petitioner.

5. Accordingly, the writ petition is allowed and respondent is directed not to interfere with the possession of petitioner, without issuing any notice or following due procedure under law. No costs.

JUSTICE GOPALAKRISHNA TAMADA

Dt.14-08-2007
GLV